

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

DALLAS COBBS, #164276,

Plaintiff,

v.

GEORGE J. PRAMSTALLER, *et al.*,

Defendants.

Case No.: 07-cv-14644

Honorable Anna Diggs Taylor

Magistrate Judge Charles E. Binder

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**ORDER ADOPTING IN PART AND REJECTING IN PART MAGISTRATE JUDGE
CHARLES BINDER'S REPORT AND RECOMMENDATION**

(This Order Resolves Docket Entries 103, 104, 108 & 115)

This matter having come before the Court on Magistrate Judge Charles Binder's Report and Recommendation of March 25, 2010, and the Court having reviewed the file, the Magistrate Judge's Report and Recommendation, the parties' objections and responses, and the parties' oral arguments, and the Court being otherwise fully informed in the premises,

NOW, THEREFORE,

IT IS HEREBY ORDERED that Magistrate Judge Binder's Report and Recommendation of March 25, 2010 (Doc. Entry 115) shall be adopted as the opinion of this Court in all respects, except with respect to his recommendations regarding Plaintiff's motion to amend the complaint;

IT IS FURTHER ORDERED that the Defendants, Craig Hutchinson, M.D. and Bency Mathai, M.D.'s, motion for summary judgment (Doc. 103) shall be **GRANTED** and they shall be dismissed for lack of the requisite personal involvement;

IT IS FURTHER ORDERED that Defendant, Correctional Medical Services, Inc.'s motion for summary judgment (Doc. 103) be **DENIED**;

IT IS FURTHER ORDERED that Defendants, Clark, Naylor, Davis-Neighbors, Pandya, and Pramstaller's motion for summary judgment (Doc. 104) be **DENIED**; and

IT IS FURTHER ORDERED that Plaintiff's motion to amend complaint to add custom and policy claim (Doc. 108) be **DENIED**.

IT IS SO ORDERED.

Dated: July 22, 2010

s/ Anna Diggs Taylor
ANNA DIGGS TAYLOR
UNITED STATES DISTRICT JUDGE

Approved as to form:

s/Paul D. Reingold w/consent
Paul D. Reingold (P27594)
Attorney for Plaintiff

s/Anthony D. Pignotti
Anthony D. Pignotti (P71100)
Attorney for Defendants, CMS,
Dr. Hutchinson, and Dr. Mathai

s/Clifton B. Schneider w/consent
Clifton B. Schneider (P70582)
Attorney for MDOC Defendants

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail disclosed on the Notice of Electronic Filing on July 22, 2010.

s/Johnetta M. Curry-Williams
Case Manager